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Attorneys for Defendant
AARON METALS COMPANY, a Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
corporation,

Plaintiff,

vs.

AARON METALS COMPANY, a
corporation,

Defendant.

Case No. 3:07-cv-3547-WHA

**DEFENDANT'S CASE MANAGEMENT
STATEMENT**

Date: November 6, 2007
Time: 3:00 p.m.
Courtroom: 9
Judge: Hon. William Alsup

Defendant Aaron Metals Company ("Aaron Metals") submits the following Case Management Statement:

1. Jurisdiction and Service

The Court has subject matter jurisdiction over the parties and the subject matter of this action pursuant to Section 505(a)(1)(A) of the federal Clean Water Act (the "Act"), 33 U.S.C. § 1365(a)(1)(A) and 28 U.S.C. § 1331 (an action arising under the laws of the United States). Plaintiff California Sportfishing Protection Alliance ("CSPA") served defendant Aaron Metals on October 31, 2007.

2. Facts

Defendant refers the Court to the Facts set forth in Plaintiff's Case Management

1 Conference Statement filed on October 17, 2007.

2 **3. Legal Issues**

3 Aaron Metals denies that it has violated the Clean Water Act. However, the parties are in
4 settlement negotiations and a proposed settlement agreement has been drafted. Terms are
5 expected to be finalized within the next few days.

6 **4. Motions**

7 On October 11, 2007, CPSA filed a motion to Extend the Initial Case Management
8 Conference. On October 17, 2007, the motion was denied.

9 **5. Amendment of Pleadings**

10 Refer to Plaintiff's Case Management Statement.

11 **6. Evidence Preservation**

12 No steps have been taken to preserve evidence, pending finalization of a settlement

13 **7. Disclosures**

14 No initial disclosures have been made, pending finalization of a settlement.

15 **8. Discovery**

16 No discovery has been taken in this action, pending finalization of a settlement.

17 **9. Class Action**

18 This action is not a class action.

19 **10. Related Cases**

20 There are no related cases or proceedings to this action.

21 **11. Relief**

22 The parties are involved in settlement negotiations and expect to have a final settlement
23 agreement within a week.

24 **12. Settlement and ADR**

25 The parties are involved in settlement negotiations and are close to reaching an agreement.

26 **13. Consent to Magistrate Judge For All Purposes**

27 Aaron Metals will consent to have a magistrate judge conduct all further proceedings
28 including trial and entry of judgment.

1 **14. Other References**

2 This case is not suitable for reference to binding arbitration, a special master, or the
3 Judicial Panel on Multidistrict Litigation.

4 **15. Narrowing of Issues**

5 Settlement is currently pending.

6 **16. Expedited Schedule**

7 Settlement is currently pending.

8 **17. Scheduling**

9 The parties expect that a settlement will be finalized within the next week.

10 **18. Trial**

11 The parties expect that a settlement will be finalized within the next week; however Aaron
12 Metals does not disagree with CSPA's trial estimate set forth in its October 17, 2007 Case
13 Management Statement.

14 **19. Disclosure of Non-party Interested Entities of Persons**

15 CSPA has filed a "Certification of Interested Entities or Persons" concurrently with this
16 Case Management Statement.

17 **20. Additional Matters**

18 Aaron Metals requests that the court continue the date of the Case Management
19 Conference to late December 2007, allowing the parties enough time to finalize the settlement
20 agreement and submit such agreement to the federal agencies (EPA and Department of Justice)
21 for a mandatory 45-day review period pursuant to 33 U.S.C. § 1365(c)(3).

22 Dated: November 1, 2007

Wendel, Rosen, Black & Dean LLP

23
24 By: 

Christine K. Noma
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Corporation

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PROOF OF SERVICE

I, Liset L. Alvarado, declare:

I am a citizen of the United States and am employed in Alameda County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California 94607-4036. On November 1, 2007, I served a copy of the within document(s):

DEFENDANT'S CASE MANAGEMENT STATEMENT

☒ By E-Filing: Via the court-mandated e-filing service

Attorneys for Plaintiff, CALIFORNIA SPORTFISHING PROTECTION ALLIANCE:

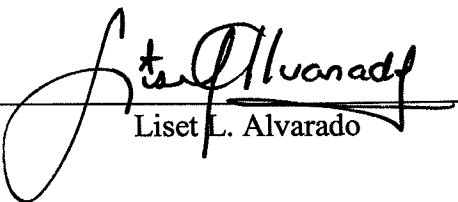
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☒ I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 1, 2007, at Oakland, California.


Liset L. Alvarado

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